

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

JODI R. MOORE,

Plaintiff,

v.

CIVIL ACTION NO. 2:15-CV-6
The Honorable John Preston Bailey

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation of United States Magistrate Judge James E. Seibert [Doc. 18]. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Seibert for submission of a proposed report and a recommendation ("R & R"). Magistrate Judge Seibert filed his R & R on June 22, 2015, wherein he recommends this Court dismiss the plaintiff's complaint for failure to prosecute.

Pursuant to 28 U.S.C. § 636 (b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. ***Thomas v. Arn***, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); ***Snyder v. Ridenour***, 889 F.2d 1363, 1366 (4th Cir. 1989); ***United States v. Schronce***, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Seibert's R & R were due within

fourteen (14) days of receipt, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). The docket reflects that service was accepted on June 24, 2015 [Doc. 19]. No objections have been filed. Accordingly, this Court will review the R&R for clear error.

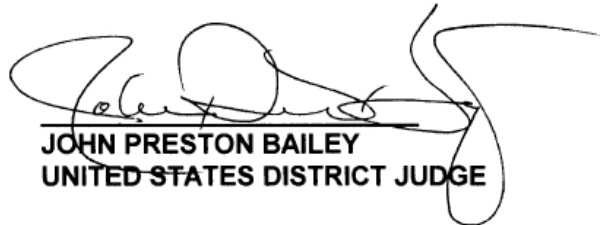
The plaintiff filed her Complaint on January 13, 2015, to which the defendant answered. The plaintiff failed to file her motion for summary judgment; therefore, on May 18, 2015, the Magistrate Judge issued an Order to Show Cause that provided the plaintiff until June 18, 2015, to file with the Court and serve on the defendant her motion for summary judgment. Nevertheless, the plaintiff failed to file her motion for summary judgment.

Accordingly, upon careful review of the docket and the R & R, it is the opinion of this Court that the **Report and Recommendation [Doc. 18]** should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's report. Accordingly, this Court hereby **DISMISSES** the plaintiff's Complaint **[Doc. 1]** and **ORDERS** the this matter be **STRICKEN** from the active docket of this Court. The Clerk is directed to enter a separate judgment in favor of the defendant.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record and mail a copy to the *pro se* plaintiff.

DATED: July 17, 2015.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE